



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 Broadway
New York, NY 10007-1866

AUG - 2 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Occidental Chemical Corporation
Occidental Tower
5005 LBJ Freeway, Suite 1350
Dallas, TX 75244

Attention: Frank Parigi, Esq.
Vice President and General Counsel
Glenn Springs Holdings, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area Removal
Administrative Order on Consent, Index No. CERCLA 02-2008-2020
Bill for Collection No. 2721726S0030

Dear Mr. Parigi:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9601-9675. EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site (the "Site"). In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On June 23, 2008, EPA entered into an Administrative Order on Consent ("Order"), Index No. CERCLA 02-2008-2020, with Occidental Chemical Corporation ("OCC") and Tierra Solutions, Inc. ("TSI") for the performance of a removal action. Pursuant to Paragraph 51 of this Order, OCC and TSI agreed to reimburse EPA for all Future Response Costs, as defined in the Order, incurred by the EPA in connection with the removal action from the effective date of the Order.

This letter serves as Bill for Collection No. 2721726S0030 ("Bill"), covering the period from September 1, 2015 through September 3, 2016.

Enclosure A is a narrative statement describing the Future Response Costs paid during the time period covered by the Bill. Enclosure B consists of two itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System ("SCORPIO\$") reports, for the Diamond Alkali Site, site identification number 02-96, Operable Unit ("OU") 00 and OU02 Removal. For the purposes of the SCORPIO\$ reports, OU03 represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower

Passaic River Study Area and OU04 represents the Newark Bay Study Area. EPA charges time for the OCC/TSI Removal and OCC/TSI Combined Sewer Overflow/Storm Water Outfall ("CSO/SWO") Sampling to OU02, but only charges for the OCC/TSI Removal are included in the OU02 Removal SCORPIO\$ report that appears in Enclosure B.

Some personnel charged their time to OU00 to represent time spent on all OUs. Therefore, the OU00 costs have been apportioned among OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (Cooperating Parties Group ["CPG"]-lead RI/FS, CPG-lead Removal, and EPA-lead work) and OU04 (Newark Bay), as described in the enclosure. While all OU00 charges are included in the SCORPIO\$ report for OU00 that appears in Enclosure B, this Bill includes only those costs that EPA has apportioned to the OCC/TSI Removal.

EPA certifies that as of September 3, 2016, it has expended at least **\$ 11,696.35** in Future Response Costs in connection with the Removal for the Lower Passaic River Study Area.

As per Section XVI of the Order, payment shall be made within thirty (30) days of receipt of this letter via electronic funds transfer ("EFT"). If payment is not received by this date, a daily interest charge of 0.0019% (0.70% per annum) will be assessed from the first day after the payment is overdue through the date of payment. To make this payment, please instruct your bank to remit payment to EPA via EFT accompanied by the following information:

Amount of payment: **\$ 11,696.35**

EFT to be directed to: **Federal Reserve Bank of New York**

Bank routing number: **021030004**

Bank account number receiving payment: **68010727**

SWIFT address: **FRNYUS33**

Address: **Federal Reserve Bank of New York**

33 Liberty Street

New York, NY 10045

Field tag 4200 of Fedwire message to read (for Fedwire payments):

D 68010727 Environmental Protection Agency

Name of remitter: **Occidental Chemical Corporation**

Case number: **CERCLA 02-2008-2020**

Site name: **Diamond Alkali Superfund Site, Lower Passaic River Study Area**

Site/spill identifier: **02-96**

To ensure that your payment is properly recorded, you must send either an email or a letter, contemporaneously with the EFT, which references the date of the EFT, the payment amount, the name of the Site, the Site identification number, the case number, and your name and address to:

Elizabeth Butler, Remedial Project Manager
Emergency & Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th floor
New York, New York 10007-1866
email: butler.elizabeth@epa.gov

and

Sarah Flanagan, Esq., New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
email: flanagan.sarah@epa.gov

and

Jessica Henderson
U.S. Environmental Protection Agency
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD2
Cincinnati, Ohio 45268
emails: henderson.jessica@epa.gov and cinwd_acctsreceivable@epa.gov

The United States reserves its rights to recover any costs paid during the time period covered by this accounting but not included in this billing, and all other Future Response Costs paid pursuant to the Order.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA is prepared to discuss its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Elizabeth Butler at (212) 637-4396. Legal inquiries should be directed to Sarah Flanagan at (212) 637-3136. Thank you for your prompt attention to this matter.

Sincerely yours,



Michael Sivak, Chief
Passaic, Hackensack & Newark Bay Remediation Branch
Emergency & Remedial Response Division

Enclosures

cc: Juan P. Somoano, P.G.
Vice President
Glenn Springs Holdings, Inc.
5 Greenway Plaza, Suite 110
Houston, TX 77046

ENCLOSURE A

Summary of Costs Paid by EPA
09/01/15 through 09/03/16
Diamond Alkali Superfund Site, Newark, New Jersey
Operable Unit Two – Lower Passaic River Study Area
Removal
Site ID: 02-96

COSTS FROM OU02 REMOVAL SCORPIO\$ REPORT

Payroll from OU02 Removal report:

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA 02-2008-2020 ("AOC"), including review of TSI technical submissions, meetings and/or conferring with TSI representatives, internal meetings and conferences concerning the Removal, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Costs Section of EPA's Itemized Cost Summary.

\$ 4,901.42

Indirect Costs from OU02 Removal report:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be tied directly to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by the EPA Headquarters. See enclosed Indirect Costs Section of EPA's Itemized Cost Summary.

[\$4,901.42 * 47.99%]

\$ 2,352.17

Subtotal of Costs for this billing contained in OU02 Removal SCORPIO\$ Report: **\$ 7,253.59**

COSTS FROM OU00 SCORPIO\$ REPORT

Payroll and Travel from OU00 report:

The OU00 SCORPIO\$ report includes payroll for OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (EPA-lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04 (Newark Bay). Therefore, these costs were divided evenly among the seven components.

[\$20,559.12 + \$90.20 / 7]

\$ 2,949.90

Other Expenditures from OU00 report:

The OU00 SCORPIO\$ reports include charges for contractor support for file storage and maintenance by EnSoftek for OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (EPA-lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04 (Newark Bay). Therefore, these costs were divided evenly among the seven components.

[\$364.85 / 7]

\$ 52.12

Technical and Analytical Support Services from OU00 report:

These costs consist of "SRA International, Inc." charges for contractor support for Community Advisory Group (CAG) facilitation. These costs were not related to EPA oversight of work performed on OU02 Removal.

\$ 0.00

Indirect Costs from OU00 report:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be tied directly to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by the EPA Headquarters. See enclosed Indirect Costs Section of EPA's Itemized Cost Summary.

Indirect Costs from OU00 SCORPIO\$ Report apportioned to OU02 Removal

[\$10,085.18 / 7]

\$ 1,440.74

Subtotal of Costs for this billing contained in OU00 SCORPIO\$ Report:

\$ 4,442.76

Subtotal of Costs for Bill contained in OU02 Removal SCORPIO\$ Report:

\$ 7,253.59

Subtotal of Costs for Bill contained in OU00 SCORPIO\$ Report:

\$ 4,442.76

OU02 OCC/TSI Removal Bill for Collection Amount

\$11,696.35